

REMARKS

The Office Action mailed June 26, 2006, considered claims 1-39 and 41-49. Claims 1-14, 17-19, 24-39, 41-46, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister et al, (US 2003/0046365 A1) hereinafter *Pfister* in view of Donohue et al. (US 5,987,480) hereinafter *Donohue* and further in view of Hill et al. (US 6,023,714) hereinafter *Hill*. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Hill*, and further in view of Twaddle (US 2004/0015476 A1) hereinafter *Twaddle*. Claims 16, and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Hill*, and further in view of Orhormuru (US 2003/0061106 A1) hereinafter *Orhormuru*. Claims 47, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Hill* and further in view of Ornoigui (US 2003/0126136 A1) hereinafter *Ornoigui*.¹

By this paper claims 1, 27, 41, and 43 have been amended,² such that claims 1-39 and 41-49 remain pending of which claims 1, 27, 41 and 43 are the only independent claims.

The application is generally directed to receiving and displaying dynamic content, such as stock quotes, sports scores, headlines, etc. from a service provider when the dynamic content changes as opposed to some periodic schedule or when content is reloaded or refreshed. If content is only updated on a periodic schedule, the content may be out of date when viewed by a user. If content is only updated when reloaded or refreshed, there may be a delay in obtaining the information due to time required to dial-up or otherwise connect to a network and time required to download the dynamic information for the purpose of obtaining the dynamic information. This may especially be true in wireless networks such as those used for cellular phone services. By using the principles of the present invention, the dynamic content is automatically sent from a provider when it changes such that the dynamic content is up to date and available when a user desires to view the content. The art cited by the Examiner simply does not teach or suggest these advantageous features.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the amendments can be found at least at paragraph [0023] on page 9 of the patent application.

Claim 1, for example recites a method from the perspective of a content provider including an act of creating a template file with static content and layout information and dynamic references and layout information. The template file and generated computer executable instructions are transferred to a mobile computing device. The generated computer executable instructions facilitate merging updated displayable dynamic content at the mobile computing device with the layout information corresponding to one or more references to dynamic content. Additionally, the method recited in claim 1 includes an act of monitoring content denoted in a registration and when dynamic content of interest changes, the dynamic content is transported to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content. Claim 27 is similar to claim 1, except that it is recited from the perspective of a mobile computing device receiving the layout, computer executable instructions, and updated dynamic content. Claims 41 and 43 are computer program product claims corresponding to claims 1 and 27 respectively.

The art cited by the Examiner fails to teach or suggest what is recited by the claims of the present application. For example, *Pfister* is directed to caching content. Abstract. Static content is identified by unique identifiers, such that the unique identifiers can be used to load the static content from cache instead of downloading the static content again from providers. See e.g. [0045], [0047], [0059], and [0061]. Dynamic content is downloaded and merged with the static content. The dynamic content can be identified by the lack of an identifier, or an expired identifier. See e.g. [0061]. However, the lack of an identifier or the expiration of an identifier only indicates that the content should be downloaded when a web page is accessed ([0061] "an embodiment of the invention is directed to identifying item 412 as dynamic content , or content that does not have a unique identifier assigned to it because it will be downloaded at each *access*."), or when a web page is reloaded ([0066] "[w]hen the web page 400 is subsequently reloaded, the dynamic files, such as items 420 are reloaded also."). Thus, *Pfister* teaches exactly what the claims of the present application avoid, namely the need to download the dynamic information when the information is accessed or reloaded. Rather, the claims of the present application recite "monitoring content" and "when dynamic content of interest changes, transporting the dynamic content to the mobile computing device...." Thus, content is

transported when the content changes, and not when the content is accessed or reloaded. This is a significant difference that provides a significantly more user friendly interface.

Donohue is directed to delivering dynamic content using document templates with dynamic tags. However, *Donohue* differs significantly from the claims of the present application in how content is delivered. Specifically, embodiments individualize documents according to a user's interests and needs. Col. 4, lines 16-20. Individualized content is delivered by selecting an appropriate document template, substituting dynamic content where appropriate in the template to create a document, and sending the entire document to the user. Col. 6, lines 28-33. As with *Pfister*, *Donohue* merely teaches delivering dynamic content when it is requested as opposed to when it changes as is recited by the claims of the present application. Thus, *Donohue* fails, either individually or combined with *Pfister* to teach or suggest what is recited by the claims of the present application.

Hill does not compensate for the deficiencies of *Pfister* and *Donohue*. Notably, *Hill* shows an embedded layout generator that interrogates a display device and selects a style sheet based on the capabilities of the display device, but is relatively silent on how content is obtained. Col. 9. lines 23-25.

Twaddle, *Orhomuru*, and *Omoigui* do not compensate for the deficiencies in *Pfister*, *Donohue* and *Hill*, and are only cited to show additional features of the dependent claims of the application.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30th day of August, 2006.

Respectfully submitted,



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